

# Congress of the United States

Washington, DC 20515

September 26, 2023

The Honorable Alejandro N. Mayorkas  
Secretary  
U.S. Department of Homeland Security  
301 7th Street SW  
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write to express our deep concern about the announcement by U.S. Immigration and Customs Enforcement (ICE) that, [beginning June 1, 2023, it will no longer accept in-person payments of immigration bonds and will instead require all bond payments to be made through a newly launched web-based system called Cash Electronic Bonds Online \(CeBONDS\)](#). While we understand the administration's desire to find new and more efficient ways to administer bond payments, the elimination of in-person payments, combined with technological flaws, renders the process of posting immigration bonds not only inaccessible but deeply dysfunctional. These obstacles jeopardize our constituents' capacity to achieve the timely release of their family members and loved ones. We urge ICE to take quick action to reinstate and preserve in-person payments while also greatly improving the CeBONDS system's accessibility and functionality.

Currently, ICE is holding [over 30,000 people](#) in immigration detention. Most people in immigration detention can be released through the assignment of an immigration bond by either an immigration judge or an ICE agent. [In fiscal year 2022, immigration judges set bond in over 10,300 cases](#), although it is unclear how many of those assigned bond were released. While ICE does not track the number of people who have been assigned bond by an ICE agent, they do publish monthly reports about who is released on bond. [In FY 2022, 27,844 people were released after a bond was posted](#). Payment of immigration bonds is one of the few pathways for release that families have to reunite with their detained loved ones, which make the accessibility and functionality of ICE bond posting processes extremely important.

## ***ICE must diversify and expand the methods for individuals to post immigration bonds***

In early 2020, the [Congressional Hispanic Caucus \(CHC\) expressed concerns to ICE about families' difficulty to post bond in-person while adhering to the Centers for Disease Control and Prevention \(CDC\) guidelines for social distancing](#). Given that some surety companies already used an established system, the CHC urged ICE to allow individuals to post bonds online. Later, [Congress instructed ICE to develop a plan that would allow the general public to post bonds online](#) under the Department of Homeland Security (DHS) Appropriations Bill 2021. Furthermore, according [to the interim rule "Electronic Service and Immigration Bond Notifications" issued by DHS and published in the Spring of 2022](#), ICE ERO "is developing the Cash Electronic Bonds Online System (CeBONDS) to allow obligors to conveniently post ICE immigration cash bonds online without visiting

an ICE office in-person." It is worth noticing that in all of these cases, DHS is advised and directed to design a plan to "permit" and "allow" people to post bonds online. These notices looked to broaden the bond payment options by adding a new pathway for people to post online, in addition to the existing in-person option. This would be compatible with [Executive Order 14058](#), which requires agencies to improve customer experience and service delivery by "reducing administrative burdens, increasing transparency, and improving government efficiency and effectiveness."

***ICE must promptly improve accessibility of bond payments to people with disabilities, people with limited English proficiency, and people with limited or no access to broadband or computing devices***

ICE is required to design systems that are compliant with the Rehabilitation Act of 1973. In a recent [multi-organizational letter](#) addressed to ICE, organizations across the country expressed major concerns about the accessibility of CeBONDS. People with disabilities that affect mobility, cognition, mental health, vision, and manual dexterity are especially impacted by CeBONDS systems' inaccessibility. For example, Community Justice Exchange (CJE) staff discovered that CeBONDS is inaccessible to blind and low-vision people who use screen-reading devices to access websites. Staff at CJE verified that the matter had not been rectified as of July 14, 2023, despite having been raised with ICE in the aforementioned letter in May 2023. Even if the web-based system improves significantly, CeBONDS will remain inaccessible to persons with certain disabilities.

Furthermore, the CeBONDS landing page is only available in English and Spanish, preventing users who read and write in other languages from using it. While the landing page is available in both languages, the payment portal and the embedded links are only available in English. Individuals who do not speak English will be unable to pay a bond through the internet portal or will be forced to rely on third parties who may charge expensive costs to translate the instructions on the web-system.

Finally, [nearly 42 million people in the United States lack proper access to broadband internet](#). Access to computing equipment, such as laptops, desktop computers, and smartphones, [varies greatly according to income level](#), affecting Black and Latino communities disproportionately. Access to these services has a significant impact on the technological literacy necessary to navigate the CeBONDS system efficiently.

This means that even if the system undergoes major change, CeBONDS will remain inaccessible to the most vulnerable people.

***ICE must ensure that the bond payment process does not create new burdens and financial hardship on individuals***

There are more than 63 million adults living in the United States with limited or no access to bank accounts. Because the CeBONDS system requires such access, these individuals would be unable to use it. Prior to the introduction of CeBONDS, ICE's [bond management manual](#) indicates that individuals can pay bonds with money orders, a financial instrument that does not require a bank account to purchase.

Individuals must also have a bank account with a financial institution that enables FedWire or Automatic Clearing House (ACH) payments in order to make payments through the CeBONDS portal. While most banks offer ACH payments, FedWire is a service that fewer banks offer. Fees for using these services range from \$15

to \$90 per transaction, depending on the financial institution, with FedWire costing the most. Prior to the implementation of the CeBONDS system, individuals wanting to pay bond did not have to bear these expenses, as many banks do not charge fees for cashier's checks or charge a nominal fee. The distinctions are crucial since FedWire transfers are available same-day, whereas ACH payments take days to clear, greatly delaying someone's release from immigration detention. Prior to the advent of the web-based system, these concerns did not arise because those presenting money orders or cashier's checks had already gotten the cash equivalent to the bond and just had to fill out the immigration bond application in person. CeBONDS has devised a two-tiered system in which individuals with more financial resources will be able to pay for their loved one's release more quickly, while others without a bank account or access to FedWire will face severe delays.

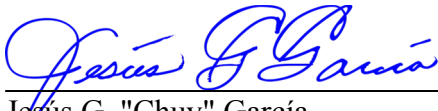
***ICE must rectify its misleading advertisement and presentation of CeBONDS as an “automated” system***

While ICE claims that CeBONDS is a fully automated system, experiences from individuals and organizations attempting to use the system have shown that this is not the case. The system relies on ICE agent approvals at several levels of the process, resulting in substantial communication disruptions and inconsistent requirements that depend on who received and is working on the bond posting request on a given day. This greatly delays the response and release times, as individuals are forced to have to engage with ICE agents over phone and email who are not easy to access. Furthermore, CeBONDS posting is only available between 9 a.m. and 3 p.m. in the time zone where the person is detained, but if there are any problems with the system or additional information is requested, you must contact your local ERO; these inconsistencies make it extremely difficult for people whose loved ones are detained in different time zones to post the bond during the appropriate time period. This forces people to have to engage over the phone or email with ICE agents in different offices which significantly delays the response time and release process.

Because of the serious impacts of lengthy detention, including the health and safety of people detained and their loved ones, the ability to pay immigration bonds easily and quickly is critical. While we appreciate that the administration may have intended to achieve this goal through the use of CeBONDS, we believe that it has made it more difficult, particularly for under-resourced and marginalized populations. We understand that in-person payments are still accepted on a case-by-case basis, as stated in ICE's newly updated FAQ, but this is not an appropriate solution to the issues highlighted above. To ensure functionality, accessibility, and privacy, ICE must maintain in-person immigration bond payments for all and conduct a thorough assessment and modification of the CeBONDS system.

Thank you for your attention to this urgent matter and we look forward to your response.

Sincerely,



Jesus G. "Chuy" García  
Member of Congress



Ilhan Omar  
Member of Congress



Eleanor Holmes Norton  
Member of Congress



Henry C. "Hank" Johnson, Jr.  
Member of Congress



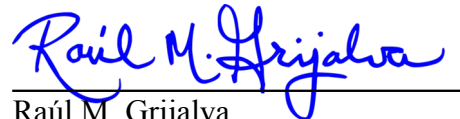
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Member of Congress



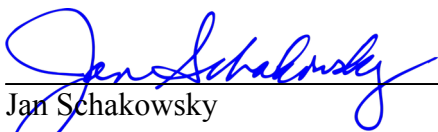
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Member of Congress



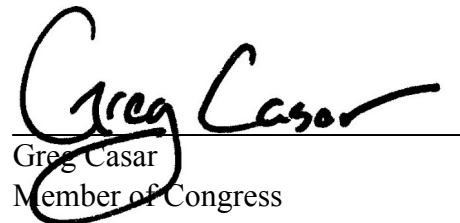
Adriano Espaillat  
Member of Congress



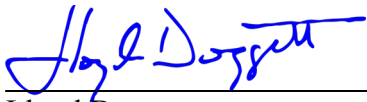
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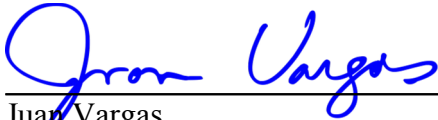
Greg Casar  
Member of Congress



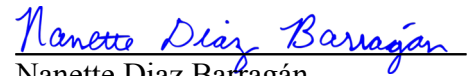
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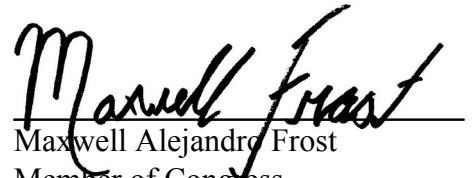
Juan Vargas  
Member of Congress



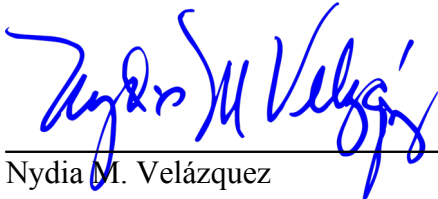
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Member of Congress



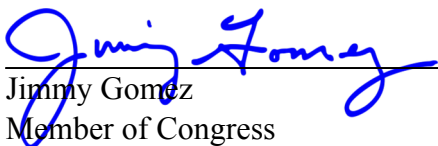
Maxwell Alejandro Frost  
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Nydia M. Velázquez  
Member of Congress



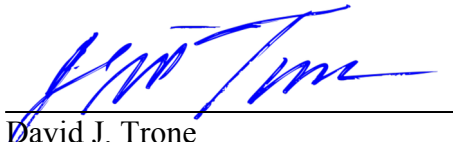
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Jimmy Gomez  
Member of Congress



Tony Cárdenas  
Member of Congress



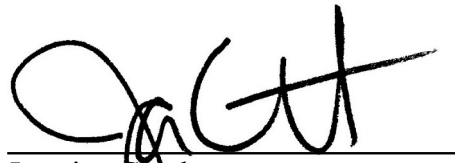
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David J. Trone  
Member of Congress



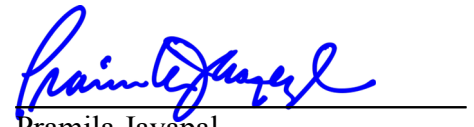
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Darren Soto  
Member of Congress




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Jasmine Crockett  
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Pramila Jayapal  
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Veronica Escobar  
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